



west virginia department of environmental protection

Division of Water & Waste Management
601 57th Street SE
Charleston, WV 25304
(304) 926-0495

Harold E. Ward, Cabinet Secretary
dep.wv.gov

ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11

TO: AEP – John E. Amos Plant
1530 Winfield Road
Winfield, WV 25213

DATE: May 17, 2021

ORDER NO.: 9952

INTRODUCTION

The following findings are made and Order issued to AEP – John E. Amos Plant herein after, “permittee” pursuant to the authority vested in the Director of the Division of Water and Waste Management under Chapter 22, Article 11, Section 1 et seq. of the Code of West Virginia.

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. The permittee owns and operates a steam electric generating power plant, which is located in Putnam County, West Virginia. WV/NPDES Permit No. WV0001074 was reissued on May 17, 2021 to allow the permittee to discharge process, cooling water, and storm water via Outlet 003 to the Kanawha River near mile point 39.
2. The reissued WV/NPDES Permit No. WV0001074 contains effluent limitations for fecal coliform at Outlet 003. Based on a review of available effluent data, the permittee cannot currently comply with the final effluent limitations for fecal coliform at this outlet.

ORDER FOR COMPLIANCE

And now, this 17th day of May 2021, the permittee is hereby ORDERED by the Director as follows:

1. The permittee shall immediately take measures to initiate compliance with all terms and conditions of WV/NPDES Permit No. WV0001074.
2. The permittee shall submit a Plan of Action on or before September 30, 2021 outlining the measures the permittee will take to achieve the fecal coliform permit limitations at Outlet 003. The permittee shall submit semiannual progress reports thereafter summarizing the actions taken, and any additional actions to be taken in the future to ensure compliance with the final permit limitations for fecal coliform.
3. Final Fecal Coliform Limitations mean a monthly geometric mean limitation of no more than 200 counts/100 ml and a daily maximum limitation of no more than 400 counts/100 ml at Outlet 003. Interim Fecal Coliform Limitations mean a monthly geometric mean limitation of monitor only and a daily maximum limitation of monitor only at Outlet 003 through June 30, 2023. The permittee shall comply with the final fecal coliform limits as soon as possible but no later than July 1, 2023. Until that time, the permittee shall comply with the interim fecal coliform requirements at Outlet 003.
4. The permittee shall submit semi-annual progress reports until the permittee achieves effluent limitations for fecal coliform at Outlet 003 and the permittee has achieved compliance with all the terms and conditions of the permit.

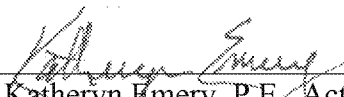
OTHER PROVISIONS

1. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving the permittee of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject the permittee to additional enforcement action in accordance with the applicable law.
2. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
3. This Order is binding on the permittee, its successors, and assigns.
4. This Order shall terminate upon the permittee's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this Order which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after receipt of this Order.

This Order shall become effective upon receipt.



Kathryn Emery, P.E., Acting Director
Division of Water and Waste Management

KE/jvl

cc: Environmental Inspector Supervisor
EPA Region 3